



Crl.O.P.(MD)No.18097 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18097 of 2024

1.Masanamuthu Pandian
2.Velladurai
3.Kathiravan

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by Deputy Superintendent of Police,
Alangulam Sub Division,
Tenkasi District.

2.State through the Inspector of Police,
Surandai Police Station,
Tenkasi District.

3.Mupidathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned charge sheet in S.C.No.03 of 2020 pending on the file of the learned II Additional District and Sessions Judge (Special Cases for PCR), Tirunelveli and quash the same.

For Petitioner : Mr.C.Venkatesh

For R1 & R2 : Mr.K.Sanjai Gandhi

Government Advocate [Crl. Side]

For R3 : Mr.S.Sundara Pandian



Crl.O.P.(MD)No.18097 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in S.C.No.3 of 2020, pending on the file of the learned II Additional District and Sessions Judge (Special Cases for PCR), Tirunelveli and to quash the same as illegal.

2. The case of the prosecution is that the the petitioner in continuation of the earlier fight during the parliamentary campaign on 07.04.2019, during the temple festival of the de-facto complainant group, the petitioners on 30.04.2019 damaged seven tube lights. Thereafter, on 01.05.2019 in the early hours, damaged the speaker box which were kept for Sudalai Temple festival, Thuvarankadu. When this was questioned, the petitioners abused the de-facto complainant and others calling their caste name and threatened them with dire consequences. Hence, the complaint.



Crl.O.P.(MD)No.18097 of 2024

WEB COPY

3. The learned counsel appearing for the petitioners would submit that the third respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.175 of 2019, after investigation, final report filed, the same taken cognizance in S.C.No.3 of 2020, on the file of the learned II Additional District and Sessions Judge (Special Cases for PCR), Tirunelveli, for the offences under Sections 294(b), 427, 506(ii) and 153 of IPC and Sections 3(1)(r) & 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 2015 against the petitioners.

1. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves, for the reason, both the petitioners and de-facto complainant group all reside in the same place, within each others vicinity, an election dispute magnified to disturbance during the temple festival due to heat of passion and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and third respondent is agreeing to withdraw the complaint, not willing to pursue the case.



Crl.O.P.(MD)No.18097 of 2024

WEB COPY

5. A Joint Memo of Compromise filed and de-facto complainant affidavit filed before this Court, signed by the petitioners and the third respondent and their respective counsels. The petitioners and the third respondent are present before this Court, identified by Mr.Antony Baskar, Special Sub-Inspector of Police, Surandai Police Station, Tenkasi District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the dispute and fight during election campaign stemmed upto temple festival, arising out of heat of passion, leading to abuse and damage to properties and the parties now compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offences even if offences are non-compoundable, considering the nature of the offence and the ground reality, where both groups live in close proximity, to co-



Crl.O.P.(MD)No.18097 of 2024

exist in harmony, now both groups buried hatred, harmony prevails. In such circumstances, it is ideal to quash the proceedings for continuation of harmony and goodwill between the two groups. Hence, in the interest of justice, this Court is inclined to quash the proceedings.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in (2012) 10 SCC 303 and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in (2017) 9 SCC 641 were taken into consideration.

8. In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in S.C.No.3 of 2020, as against the petitioners, on the file of the learned II Additional District and Sessions Judge (Special Cases for PCR), Tirunelveli, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.3 of 2020, on the file of the learned II Additional District and Sessions Judge (Special Cases for PCR), Tirunelveli, is



Crl.O.P.(MD)No.18097 of 2024

quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

14.11.2024

NCC : Yes / No
Index : Yes / No
MR



Crl.O.P.(MD)No.18097 of 2024

WEB COPY

To

- 1.The Deputy Superintendent of Police,
Alangulam Sub Division,
Tenkasi District.
- 2.The Inspector of Police,
Surandai Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.18097 of 2024

M.NIRMAL KUMAR, J.

MR

Crl.O.P.(MD)No.18097 of 2024

14.11.2024